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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,116	12/18/2001	Nobuyoshi Ando	500.40994X00	5809

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

REID, CHERYL M

ART UNIT PAPER NUMBER

2142

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,116

Applicant(s)

ANDO ET AL.

Examiner

Cheryl M. Reid

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/26/05
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/18/01
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1 and 4 are objected to because of the following informalities: Item C of claim 1 states " acquiring a distance between the positions where the appliances occur the state changes, from the calculated occurrence time difference." Examiner contends that this is not clearly written and had difficulty comprehending the meaning of the above-stated limitation. Examiner has interpreted the claim to mean "acquiring distance between appliances based on the occurrence time difference ." This interpretation was used to examine the claim. Appropriate correction is required.

Response to Arguments

2. The 101 rejection regarding claim 4, set forth in the previous office action has been withdrawn.
3. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parl et al (US 6259404) hereinafter Parl and further in view of Brown et al (US 6157621) hereinafter Brown.

6. In regards to claims 1 and 4, Parl teaches of (a)receiving state information indicative of operating state changes of the appliances constituted of a distributed computer through said network (Col 1, lines 20-26) wherein information indicative of operating state changes is the signal sent by the object (subscriber), the ability to sent a signal indicates that an operating change has occurred (i.e. celll phone that was off is now turned on) (b) calculating an occurrence time difference from occurrence times when the state changes have been detected as having occurred by differing ones of the appliances. In accordance with occurrence time information indicative of occurrence times of the state changes included in the state information (Col 1, lines 45-50). Parl does not explicitly teach of ; (c) acquiring a distance between the positions, where the appliances occur the state changes , from the calculated occurrence time difference.. In an analogous art Brown teaches on this aspect (Col 41, lines 50-60). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Brown into Parl's teaching because acquiring the distances between appliances would aid in facilitating hand-offs in the event of a cell failure. One of ordinary skill in the art at the time of invention would have been motivated to make the above-mentioned modifications because it would eliminate the devastating consequences of the failure of a node which would be

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advantageous for economical reasons as discussed by Brown (Col 4, lines 24-35, 40-45, Col 5, lines 1-10).

7. In regards to claims 2 and 5, Parl teaches of acquiring calculates the positional relation in accordance with the occurrence time difference of the state changes occurred in two appliances (Col 1, lines 45-50) and relationship weight information indicative of a distance between the two appliances (col 19, lines 25-35).

8. In regards to claims 3 and 7 Parl teaches of relationship weight information is a value calculated by a predetermined expression in accordance with two elements: number of times of occurring the state changes; and the occurrence time difference of the state changes occurred in the two appliances (col 19, lines 35-57, Col 20, lines 1-10).

9. In regards to claim 6, Parl teaches of comprising storing means for storing the occurrence time difference of the state changes occurred in the two appliances and the relationship weight information indicative of the distance between the two appliances (col 12, lines 55-67, Col 13, lines 1-10) wherein the storage means is the control station.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER